

Message Text

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ORIGIN EB-07

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DRAFTED BY EB/AN:AJRIMAS:DAP

APPROVED BY EB/OA:MHSTYLES

ARA/EP - F. CORRY

CAB - D. LITTON

S/S - MR. BRIDGES

T - C.E. MAW

EB/AN - R. BROWN

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P 161528Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY LIMA PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR: AEROPERU OPERATING PERMIT

REF: LIMA 6357

1. DEPARTMENT REGRETS ANY DIFFICULTIES ARISING FROM THE FACT THAT EMBASSY WAS NOT INFORMED OF SPECIFIC LANGUAGE CONCERNING BLIND SECTOR LIMITATION CONTAINED IN PRESIDENT'S LETTER OF JUNE 14. ECON COUNSELOR CORRECTLY INTERPRETED THAT THE GROUNDS FOR THIS LIMITATION WAS TO PROVIDE REASONABLE TIME FOR BILATERAL NEGOTIATIONS OF OUTSTANDING ISSUES TO BE SUCCESSFULLY COMPLETED. LACK OF ANY IMMEDIATE PLANS BY AEROPERU TO START SERVICE TO NEW YORK SHOULD PROVIDE ADEQUATE TIME TO RESOLVE SUCH ISSUES AND
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SHOULD NOT RESULT IN ANY BREAK IN AEROPERU'S EXISTING

SERVICE PATTERNS.

2. THE POSITION TAKEN IN THE PRESIDENT'S LETTER IS CONSISTENT WITH THE SCENARIO OUTLINED IN STATE 237223. UNDER THE PROPOSED ARRANGEMENT, AEROPERU WOULD HAVE AUTHORITY TO CONTINUE ITS MEXICO CITY-LOS ANGELES BLIND SECTOR FLIGHTS ON TEMPORARY BASIS. MEANTIME, U.S./PERU WOULD HAVE AN OPPORTUNITY TO WORK OUT SUITABLE RECIPROCAL ARRANGEMENTS IN BILATERAL CONSULTATIONS. WHEN APPROPRIATE

RECIPROCAL ARRANGEMENTS ARE REACHED, CAB COULD AUTHORIZE MEXICO CITY-LOS ANGELES BLIND SECTOR ON MORE PERMANENT BASIS. ALTHOUGH THE ISSUANCE OF THE NEW AEROPERU PERMIT WILL SERVE TO FACILITATE IMPLEMENTATION OF THE AIRLINE'S NEW YORK SERVICE (ONCE THE DECISION IS MADE TO COMMENCE IT), THE NEW PERMIT, AND THE ACCOMPANYING LETTER FROM THE PRESIDENT, WERE NEVER INTENDED TO EXPAND IN SCOPE THE PRESENTLY GRANTED TEMPORARY AUTHORITY TO CONTINUE THE MEXICO CITY-LOS ANGELES FLIGHTS, PENDING A FINAL RESOLUTION OF THE ISSUES. ALLOWING AEROPERU TO CONTINUE THIS BLIND SECTOR SERVICE, AND CONCURRENTLY TO SERVE NEW YORK, WOULD HAVE DEPRIVED US OF NECESSARY NEGOTIATING LEVERAGE IN SUBSEQUENT TALKS.

3. THE EMBASSY MAY ASSURE THE GOP THAT THE RECOMMENDED LIMITATION ON AEROPERU'S BLIND SECTOR, RATHER THAN CREATING "UNWARRANTED PRESSURE ON THE GOP," SHOULD BE INTERPRETED AS A FORTHCOMING ATTEMPT BY USG TO ASSIST THE PERUVIAN AIRLINE IN CONTINUING ITS PRESENT SERVICES WITHOUT INTERRUPTION, EVEN THOUGH THE 1975 UNDERSTANDING DOES NOT PROVIDE FOR SUCH SERVICES. THE REFERENCE TO NEW YORK IS MEANT TO DELINEATE THE TEMPORARY NATURE OF THE MEXICO CITY-LOS ANGELES AUTHORITY, AND TO PROVIDE ADEQUATE TIME FOR CONSULTATIONS TO RESOLVE THE OUTSTANDING ISSUES. THE EMBASSY MAY POINT OUT THAT USG'S ACCOMMODATION IN THIS MATTER COULD BE SUITABLY RECIPROCATED BY GOP'S EARLY APPROVAL OF BRANIFF'S PERMIT, WITH THE SAME TOLERANCE BEING SHOWN FOR ANY OF BRANIFF'S PLANS TO OPERATE BLIND SECTOR FREQUENCIES, AS THE USG HAS SHOWN FOR THOSE OF AEROPERU.

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4. THE TEXT OF THE PRESIDENT'S JUNE 14 LETTER IS REPEATED BELOW:

QUOTE: DEAR MR. CHAIRMAN:

I HAVE REVIEWED, PURSUANT TO SECTION 801(A) OF THE FEDERAL AVIATION ACT, THE BOARD'S PROPOSED DECISION IN THE

MATTER OF A FOREIGN AIR CARRIER PERMIT FOR AEROPERU (DOCKET 28109). I HAVE DELAYED MY DECISION ON THIS MATTER IN THE HOPE THAT SEVERAL MINOR ISSUES ARISING OUT OF INTERPRETATION OF THE UNITED STATES- PERU UNDERSTANDING OF JULY 7, 1975, WOULD BE RESOLVED BETWEEN THE UNITED STATES AND PERU AND COULD THEN BE REFLECTED IN THE NEW PERMIT. HOWEVER, ALTHOUGH SUCH RESOLUTION HAS NOT YET TAKEN PLACE, I DO NOT WISH TO DEFER MY DECISION ANY LONGER.

I AM, ACCORDINGLY, APPROVING THE BOARD'S PROPOSED DECISION. ISSUANCE OF THE NEW PERMIT MAY, HOWEVER, PLACE AEROPERU'S CURRENT SERVICES TO LOS ANGELES VIA MEXICO CITY IN JEOPARDY IN A PRECIPITOUS MANNER. FOR FOREIGN POLICY REASONS, I DO NOT WISH TO CAUSE THIS SITUATION. THEREFORE, I REQUEST THAT THE BOARD CONSIDER FAVORABLY AN AEROPERU REQUEST FOR AUTHORITY TO PROVIDE BLIND SECTOR SERVICE BETWEEN MEXICO CITY AND LOS ANGELES VALID UNTIL AEROPERU COMMENCES SCHEDULED SERVICE TO NEW YORK, PENDING RESOLUTION OF THE BLIND SECTOR AND OTHER MINOR QUESTIONS BY FURTHER INTERGOVERNMENTAL AGREEMENT.

IN ORDER TO GIVE AEROPERU TIME TO MAKE APPLICATION FOR SUCH AUTHORITY AND THE BOARD TIME TO ACT ON IT, I ALSO REQUEST THAT THE NEW PERMIT NOT BE MADE EFFECTIVE FOR 30 DAYS. KISSINGER

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Margaret P. Grafeld
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